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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,029	02/09/2005	Motomitsu Hasumi	1422-0660PUS1	4859
2292 7590 09/20/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER BOYER, CHARLES I	
			ART UNIT 1751	PAPER NUMBER
			NOTIFICATION DATE 09/20/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/524,029

Applicant(s)

HASUMI ET AL.

Examiner

Charles I. Boyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/09/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to applicants' election received July 25, 2007. Claims 1-13 are currently pending with claim 9 being withdrawn.

Election/Restrictions

1. Applicant's election with traverse of group I in the reply filed on July 25, 2007 is acknowledged. The traversal is on the ground(s) that there is no undue burden on the examiner to examine all claims. This is not found persuasive because the particle and process of preparing the particle are patentably distinct inventions.

The requirement is still deemed proper and is therefore made FINAL.

Information Disclosure Statement

2. The information disclosure statement filed July 25, 2007 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 1, 8, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are confusing because it appears that the "base layer" presently claimed, that is, a fine powder on the particle, is itself a surface modifier. Note that there is a great deal of overlap in the present specification for the fine powder and the surface modifier, particularly, zeolites are preferred for both the powders and surface modifiers. One might ask then, if zeolites and other powders may be used as either the base layer or the surface modifier, what is the difference between these layers? If a zeolite is used as a base layer, has it not also modified the surface? The claims should be amended such that there is a clear line of demarcation between these two coatings.

Claim 8 is confusing because it appears to require a surfactant and a surfactant-free composition.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Before citing the references against the present claims, the examiner admits to some confusion as to what applicants consider to be the novelty of their invention. It appears that every formulator of detergent particles is greatly concerned with the dusting, caking or lumping together of the particles and ensuring that they are free flowing. As a result, the prior art is replete with detergent particles that have been coated with flow aids to render them free flowing. Such coatings typically are comprised of binder and powders, and so all of these references would appear to read on the invention claimed. To avoid an onerous action, the examiner has included a small amount of these references to reject the present claims. Applicants should be aware however, that there are many other references that could have been cited against the present invention. Any response from applicants to the references cited below that does not also address the fact that their claims are extremely broadly written, together with a clear statement of what applicants consider to be the novelty of their invention, will likely not be successful in rendering these claims allowable.

6. Claims 1, 2, 5-8, 10, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilkinson, US 5,783,547.

Wilkinson teaches enzyme granulates which are coated with a flow aid, preferably a zeolite, and are further coated with a waxy coating such as polyethylene glycol (col. 7, lines 12-35). An example of such a coating process is a two-step coating process where enzyme granulates are first coated with a nonionic surfactant binder and zeolite A, then are further coated with polyethylene glycol 4000 and carboxymethyl

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cellulose (col. 7, example 1). Note that nonionic surfactants are present as an aqueous solution or contain at least some water. As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

7. Claims 1, 2, 7, 8, 10, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Wixon, US 4,260,651.

Wixon teaches detergent particles which are coated with a nonionic surfactant binder which allows for zeolite powder to adhere to the surface of the particle, and then additional nonionic surfactant is sprayed onto the granule and additional zeolite is adhered to the nonionic coating (col. 14, example 4). Note that nonionic surfactants are present as an aqueous solution or contain at least some water. As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

8. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Knight et al, US 5,030,379.

Knight et al teach detergent powders wherein small zeolite particles are adhered to larger base particles via the application of a liquid nonionic surfactant binder (see abstract). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

9. Claims 1, 2, 7, 8, 10, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Shindo et al, US 5,853,430.

Shindo et al teach a bleach particle comprising three layers of nonionic surfactant binder wherein each binder is separated with a thin layer of zeolite, and finally, the bleach is covered with a zeolite powder (col. 44, lines 37-41). Note that nonionic surfactants are present as an aqueous solution or contain at least some water. As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

10. Claims 1, 2, 7, 10, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kazuta et al, US 6,015,784.

Kazuta et al teach free flowing granules wherein surfactant granules are mixed with a nonionic surfactant binder and zeolite, then, as a final step, a silica coating is added (col. 27, lines 1-20). Note that nonionic surfactants are present as an aqueous solution or contain at least some water. As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

11. Claims 1, 2, 7, 8, 10, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Cassie, US 6,583,098.

Cassie teaches detergent particles comprising a spray-dried granule, which is contacted with a PEG 4000 binder, zeolite A as a dry added material, and a final coating of Burkeite (col. 27, example A). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-8 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkinson, US 5,783,547.

Wilkinson is relied upon as set forth above. With respect to specific amounts of binders and particles used, as coatings and flow aids are ubiquitous in the detergent arts, persons of ordinary skill are well aware of how much binder and particle must be added to achieve the desired result. With respect to claim 11, clay flow aids are also well known for use in detergent granules and their inclusion is not an unobvious modification over the prior art.

Conclusion


14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited prior art is cumulative to, or less pertinent than the references relied upon above. However, all references cited will anticipate at least present claim 10.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-Th 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on 571 272 1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Charles I Boyer
Primary Examiner
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